

REMARKS

Reconsideration of this application is respectfully requested.

The rejection of claims 1-22 under 35 U.S.C. §103 as allegedly being made "obvious" based on Peters '284 in view of Hogan '528 and Kang '852 is again respectfully traversed.

Following the Examiner's style, applicant traverses this ground of rejection for substantially the same reasons already of record and hereby incorporates such earlier discussion by reference.

The Examiner is thanked for including a "Response to Arguments" section. The Examiner has summarized three arguments being made by the applicant followed by discussion wherein the Examiner expresses disagreement with the applicant's arguments. The following remarks address the Examiner's comments in more detail.

With respect to applicant's "first argument", it seems a bit unfair to suggest that the Examiner was originally relying on the teaching of Hogan to teach the feature of "assigning a charge type identifier to each of number of usage records" since the Examiner's objection in the Office Action dated March 9th 2007 clearly states on page 2 "(A) As per claim 1, Peters discloses a method of generating a bill image in a computer-implemented billing system, the billing system being configured to generate bills relating to the use of a telecommunication network, the method including the steps of assigning a charge type identifier (CTI) to each of a number of usage records (See Peters, Col. 29, lines 3-20)"

This suggests that the Examiner was actually relying on the teaching of Peters to teach this feature which is why applicant argued that Peters does not teach this feature. For the avoidance of doubt, none of the relied upon documents teaches the feature of "assigning a charge type identifier to each of number of usage records".

As for the Examiner's suggestion that this feature (and indeed perhaps all of the disputed features?) is disclosed in Hogan column 4, lines 36-67 to column 5, line 15, applicant disagrees. All this passage appears to teach is that:

- (column 4, lines 36-44) the Electronic Bill Service Company (ESBC)
(which is the subject of the present invention) includes a server 160 which is able to access the Internet;
- column 4, lines 45-52) traditionally payees generate and send paper bills to their customers;
- (column 4, lines 53 - 67) in this invention, the EBSC receives bill images from the payees instead of the payees having to print and post them; and
- (column 5, lines 1-15) the bill images are sent from the bill capture device 150 to the server 160 where customers can view their bills, optionally print them out and pay them.

There does not appear to be any relevant teaching here about the mechanics of generating a bill image, other than that this is done by the payees in the same way as they used to do it when generating paper bills. There is nothing here about usage records, or

assigning charge type identifiers to call records or processing each usage record in dependence upon its assigned CTI to produce a bill image, the format of the bill image being dependent upon the CTIs of the usage records.

Note that the term "usage record" has a clear meaning in the art -- as explained in the specification at page 9 lines 4 to 6 which states "for each call or use of a chargeable service made by a customer a usage record is produced in a telecommunications exchange 10."

With respect to proper determination of the issue of "obviousness" under 35 U.S.C. §103, there seems to be initially a fundamental disagreement between the Examiner and the applicant as to whether or not the Examiner has yet even found each element of the applicant's claimed subject matter somewhere in one of the three cited prior art references. There seems to also be a disagreement about whether or not the Examiner has "expressly articulated" the combinations and motivations, etc. so that the applicant could understand exactly how the Examiner purports to find each element of applicant's claimed invention at some specific spot in at least one of the three cited references.

Furthermore, merely making selective hindsight selections from a Chinese menu of thousands of prior art documents based upon the applicant's claims being used as a template is not an appropriate way to determine obviousness, in any event. The most recent Supreme Court case about obviousness is the KSR case.

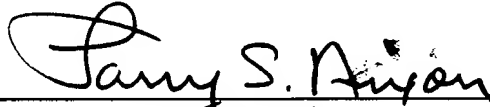
KSR did not ignore the dangers of hindsight: “A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant on ex post reasoning.” KSR Int’l Co. v. Teleflex, Inc., 550 U.S. ___, 82 USPQ2d 1385, 1397 (2007). Although the Court rejected the “[r]igid preventative rules, “id., that had been erected by the Federal Circuit, it did not enable the use of hindsight in determining obviousness.

Accordingly, this entire application is believed to be allowable and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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